

Board of Funeral Service

Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
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Functional and Organizational Analysis of the Alabama Board of Funeral Service

Sources of Information

Representatives of the Board of Funeral Service

Code of Alabama, 1975, Sections 34-13-1 through 34-13-152

Code of Alabama, 1975, Section 41-20-3 (Sunset Law)

Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedures Act)

Alabama Administrative Code, Chapters 395-x-1 and 395-x-7

Alabama Government Manual (1998)

Historical Context

The Alabama Board of Funeral Service was established in 1975 to replace the Alabama Board of Embalming, which was in existence from 1894 to 1975.

Agency Organization

The board consists of seven members with one from each U.S. Congressional district of the state. Four of the members must be practicing and licensed embalmers in Alabama for ten consecutive years preceding their appointment as well as being licensed as embalmers and/or funeral directing during their terms on the board. Three members must have been actively engaged in funeral directing in Alabama for ten consecutive years preceding appointments and must be licensed as funeral directors and must be operators of a funeral establishment in this state at the time of their appointment. When a member for any reason becomes ineligible to serve on the board, then a new person, properly qualified, must be appointed by the governor to fill the vacancy and complete the remainder of the term. The board selects from its membership a chairman, a treasurer, and a secretary and employs an executive secretary and associate executive secretary.

Agency Function and Subfunctions

The mandated function for the Board of Funeral Service is to license and regulate the professional practice of funeral directors, embalmers, apprentice funeral directors, and apprentice embalmers of Alabama. The board is one of the agencies primarily involved in carrying out the Regulatory

function of Alabama government. In the performance of its mandated function, the board may engage in the following subfunctions:

Promulgating Rules and Regulations. In accordance with the Administrative Procedures Act (Code of Alabama 1975, Section 41-22-3), the board has the authority to prescribe rules and regulations for certification in, and the practice of funeral service. The board also develops the appropriate procedures or techniques for the implementation of its rules and regulations. This subfunction encompasses activities pertaining to the establishment and promulgation of rules, regulations, and procedures by the board for carrying out its duties and responsibilities.

- **Licensing.** The board is authorized to license 1) funeral directors, 2) embalmers, 3) apprentices and 4) donor eye enucleation. Individuals wishing to apply for a license must submit an application to the board. All applicants must fulfill the requirements stated in the Code of Alabama including being at least eighteen years old or, in the case of apprentices, at least sixteen and a citizen of the United States. Applicants must maintain a good moral standing as well as complete an apprenticeship. All applicants must have a high school diploma. Some applicants, especially for funeral directors and embalmers, must successfully complete an examination approved by the state. The examination tests on subjects such as mortuary management and toxicology, public health, hygiene and sanitary science, mortuary science, anatomy and physiology, organic and inorganic chemistry, pathology, and bacteriology. Once all the requirements are met, the board licenses the applicant. In the case of the donor eye enucleation, the Alabama Lion eye and tissue bank is in charge of the actual certification of the applicant.

Licensing and Monitoring Funeral Establishments. In order to be licensed, the establishment's funeral director completes a written application, submits it to the board, and pays a small fee. The establishment also has to pass an inspection which is conducted by the Secretary and the Associate Secretary. Members of the board are also authorized to conduct inspections. If the board approves the establishment, the establishment pays an additional fee. The board continues to inspect the establishment once a year prior to the official renewal of the license.

Enforcing. The board hears and tries charges against any licensed embalmer or funeral director for any violation of the Alabama funeral service laws or regulations, as defined in the Code of Alabama 1975, Section 34-13-56. Complaints and/or hearings are handled by the board. The board may levy and collect administrative fines for violations, but these fines are not to exceed \$500. The person, convicted with a violation

by the board, can appeal the decision to a county circuit court. The appeal process follows guidelines set out in the Code of Alabama 1975, Section 34-13-31.

- **Administering Internal Operations.** A significant portion of the board's work includes general administrative, financial, and personnel activities performed to support its programmatic areas.

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record-Keeping System and Records Appraisal of the Alabama Board of Funeral Service

Agency Record-Keeping System

The Alabama Board of Funeral Service operates a hybrid system composed of a computer system and a paper record-keeping system.

Computer systems: The agency uses personal computers to perform basic word processing work.

Paper-based system: The board maintains most of its records in paper form.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the board of Funeral Service: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met.

Examination Files. Before applicants can qualify for a license they must successfully complete an examination. Examinations are retained for three years according to the Code of Alabama 1975, Section 34-13-94b.

Inactive Funeral Directors and Embalmers Licensure Files. These files are for licensees who have allowed their licenses to lapse. The files are maintained in case the ex-licensees decide to renew their licenses. There are three ways to reinstate a license:

1. If expired less than six months, the licensee must pay the fees required in order to receive the original license.
2. If expired more than six months, the applicant must repeat the review and examination process in order to receive a license.
3. The ex-licensee reapplies to the apprenticeship program.

The recommended retention for these records is twenty years to cover the career span of the licensee.

Inactive Apprentices Files. The board has power to grant a leave of absence. An apprentice who has allowed his/her apprenticeship to lapse, or whose license was suspended or revoked, may make application for re-registration within one year of the suspension. These records are retained for fifteen years to cover the career span of the apprentice.

Inspection Records. These records verify that the funeral home comply with the laws and regulations of this state. Inspections are held to properly survey the working area. Inspections are held annually. The retention recommended for these records is fifteen years.

Complaints and Investigation Files. If a complaint is filed and the board has reason to believe that the operator of the establishment or a licensee is failing to comply with the law, the board conducts an investigation, if the investigation proves that the establishment, or licensee is not complying, the board may conduct a hearing. The hearing is held to determine if the licensee is in compliance or not. If the operator or a licensee is not in compliance, the board may suspend, revoke or refuse to renew the license. The agency recommended that the records be retained for fifteen years.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations:

Minutes of the Board. The meeting minutes of the board document decisions and actions including the approval or denial of licenses. These records provide important documentation of the board's actions that may not be found elsewhere. (RDA page 3-2) **(Bibliographic Title: Meeting Minutes)**

Licensing:

Quarterly Newsletters. The board publishes a quarterly newsletter that serves to communicate with licensees. Information generally includes new rules, rule changes, licensed embalmers and funeral directors examination dates, as well as complaints and investigation information. (RDA page 3-3) **(Bibliographic Title: State Publication)**

Permanent Records List

Alabama Board of Funeral Service

Promulgating Rules and Regulations

1. Meeting Minutes

Licensing

1. Quarterly Newsletters

Board of Funeral Service Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Board of Funeral Service. The RDA lists records created and maintained by the Board of Funeral Service in carrying out its mandated functions and subfunctions. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Board of Funeral Service to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Board of Funeral Service's records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the Subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain other records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes, may include, but are not limited to, telephone call-back messages, drafts of ordinary documents not needed for their evidential value,

copies of material sent for information purposes but not needed by the receiving office for future business, and internal communications about agency social activities. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Board of Funeral Service and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

Promulgating Rules and Regulations

MEETING MINUTES

Disposition: PERMANENT RECORD

Licensing

Examination Files

Disposition: Temporary Record. Retain 3 years.

Inactive Funeral Directors and Embalmers Licensure Files

Disposition: Temporary Record. Retain 20 years after license lapsed.

Deceased Funeral Directors and Embalmers Licensure Files

Disposition: Temporary Record. Retain 3 years after the death is verified.

Inactive Apprentices Files

Disposition: Temporary Record. Retain 15 years after the apprenticeship has lapsed or terminated.

Deceased Apprentices Files

Disposition: Temporary Record. Retain 3 years after the death is verified.

Licensing and Monitoring Funeral Establishment

Inspection Records

Disposition: Temporary Record. Retain 15 years.

Closed or Inactive Establishments Licensure Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Enforcement

Complaint or Investigation Files

Disposition: Temporary Record. Retain 15 years.

Administering Internal Operations

Managing the Agency:

NEWSLETTERS

Disposition: PERMANENT RECORD

Mailing Lists

Disposition: Temporary Record. Retain for useful life.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the RDA is superseded.

Computer system documentation (Y2K Records, hardware/software manuals and diskettes, warranties, records of access/authorities, file naming conventions)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Managing Finances:

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products.

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions such as journals, registers, and ledgers; and records of funds deposited outside the state treasury, including bank statements, deposit slips, and cancelled checks

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Contractual records established for the purpose of services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

Disposition: Retain in office (Code of Alabama 1975, Sections 41-16-24).

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Managing Human Resources:

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting payroll deductions for tax purposes (including Form 941)

Disposition: Temporary Record. Retain 3 years after end of year in which the records were created.

Records documenting employee hours worked, leave earned, and leave taken

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting sick leave donations

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of final leave status (Cumulative leave)

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting an employee's work history - generally maintained as a case file

Disposition: Temporary Record. Retain 6 years after separation of an employee from the agency.

Employee Flexible Benefits Plan Files (applications and correspondence)

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

Records documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Managing Properties, Facilities, and Resources:

Semiannual Inventory Lists

Disposition: Retain in office (Code of Alabama 1975, Section 36-16-8[1]).

Agency Copies of Transfer of State Property Forms (SD-1)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Property Inventory Cards and/or Computer Files

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Records documenting the lease or rental of office or warehouse space for the board

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

Approval of Records Disposition Authority

By signing this agreement the Board of Funeral Service acknowledges its responsibilities in the proper management of its records and agrees to abide by the implementation guidelines listed below:

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The Board of Funeral Service will designate a managerial position as the agency records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on

records management activities to the State Records Commission in January of each year, and ensuring the regular implementation of the agency's approved RDA.

- Permanent records in the Board of Funeral Service's custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The Board of Funeral Service agrees to allow the staff of the State Records Commission or the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the agency and to inspect records destruction documentation. Government Records Division archivists are available to train the agency's staff in RDA implementation and otherwise assist the agency in implementing its records management program.

This records disposition authority is hereby adopted.

By: _____ Date: _____
Warren S. Higgins, Executive Secretary
Board of Funeral Service

By: _____ Date: _____
Edwin C. Bridges, Chairman
State Records Commission